

HOUSE BILL 2768

By Carter

AN ACT to amend Tennessee Code Annotated, Section 16-1-105, relative to courts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 16-1-105(a), is amended by redesignating the current language as subdivision (a)(1) and adding the following language as a new subdivision (a)(2):

(2)

(A) It is lawful for the court to temporarily hold its session, or any part of its session, in a courthouse or other room located outside the county seat if:

(i) The courthouse in the county seat is rendered temporarily unusable by reason of a natural disaster;

(ii) Trials and other judicial proceedings are scheduled to be held in the courthouse during the time the courthouse is temporarily unusable;

(iii) Another room located within the county seat with sufficient security and otherwise suitable for conducting court proceedings is not available; and

(iv) The presiding judge of the district determines that extraordinary circumstances exist such that temporarily moving the judicial proceedings outside the county seat is in the best interests of justice.

(B) If the presiding judge of the judicial district determines the requirements of subdivision (a)(2)(A) have been met, the presiding judge will consult with the person who schedules events and proceedings at the location

outside the county seat to determine dates when the courthouse or room outside the county seat is available for use.

(C) When the courthouse, or place designated by law, within the county seat is ready for use, judicial proceedings must be returned to the courthouse of the county seat, unless a trial is in progress at the time the courthouse within the county seat is ready for use and all parties involved agree to keep the matter in the courthouse or room outside the county seat until the conclusion of the case.

(D) All proceedings held pursuant to this subdivision (a)(2) in a courthouse or other room located outside the county seat, whether civil or criminal cases, are as valid as if done at the courthouse within the county seat.

(E) Nothing in this subdivision (a)(2) allows:

(i) The direct or indirect relocation of the county seat; or

(ii) A court to lawfully hold its session at a courthouse or other room located outside the county seat for a period of time longer than is necessary to relocate or reconstruct a courthouse or other room within the limits of the county seat, except as provided in subdivision (a)(2)(C).

(F) As used in this subdivision, "natural disaster" has the same meaning as defined in § 4-31-803.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.